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NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4, of the Statute of the Court, transmitted to the Secretary-General Sir Robert Jennings' letter of resignation dated 15 February 1995. In this letter, Sir Robert Jennings gave notice of resignation as a Member of the Court, the resignation to take effect on 10 July 1995. Thus, a vacancy will occur on 10 July 1995.

2. Sir Robert Jennings was elected as a member of the Court as from 6 February 1982 and was re-elected as from 6 February 1991. His current term of office would have ended on 5 February 2000. He was President of the Court from 1991 to 1994 and was a member of two Chamber cases (El Salvador/Honduras: Nicaragua intervening, 1986-1992; Elettronica Sicula S.p.A. 1987-1989).

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. The President of the Court in his letter dated 27 February 1995 noted that:

> "It shall, naturally, fall to the Security Council, in accordance with Article 14 of the Statute of the Court, to fix the date of the election to

fill the vacancy that will occur. However, I should like you to inform the Council that the Court intends to begin holding hearings in a case in the autumn of 1995, and it would be most appreciative if the newly elected member of the Court could participate in this case."

5. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting and to take into account that the Secretary-General's communication must be dispatched within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General expects to invite nominations for the vacancy by communications immediately after the Security Council has set the date of election.